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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,367	02/07/2001	Bruce Kreikemeier		6849
31083	7590	07/20/2004		EXAMINER
THOMTE, MAZOUR & NIEBERGALL, L.L.C. 2120 S. 72ND STREET, SUITE 1111 OMAHA, NE 68124			BARNES, CRYSTAL J	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/778,367	KREIKEMEIER ET AL.
	Examiner	Art Unit
	Crystal J. Barnes	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 May 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a Non-Final Rejection in response to the Request for Continued Examination (RCE) received on 21 May 2004. Claims 1, 3 and 4 have been amended. Claims 1-4 remain pending in this application.

#### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,337,971 B1 to Abts in view of USPN 5,737,707 to Gaulke et al., and further in view of USPN 6,600,971 B1 to Smith et al.

As per claim 1, the Abts reference discloses in combination with mechanized irrigation components and ancillary equipment therefore for irrigating a field comprising a single wireless RUI (see column 7 lines 43-45, "pager 130"; column 7 lines 52-57, "cellular or touch-tone phone 150") comprising a handheld display (see column 7 lines 47-51, "display 132") and keypad (see figure 1, "pager 130, cellular or touch-tone phone 150") for (a) reading the status (see column 7 lines 47-51, "current status") of irrigation components ("pivots 20") and ancillary equipment

(see column 9 lines 1-10, "other field sensors") and (b) directly transmitting telemetry to said irrigation components and ancillary equipment to control (see column 7 lines 52-57, "control signals") said irrigation components ("pivots 20") and ancillary equipment ("other field sensors").

The Abts reference does not expressly disclose a single wireless RUI for directly transmitting telemetry to said irrigation components and ancillary equipment to control said irrigation components and ancillary equipment.

The Gaulke et al. reference discloses

(see Abstract, "An integrated pager and cellular phone ...")

(see column 1 lines 40-42, "Many users of cellular phones have continued to use pagers ... combine both devices into a single unit.")

(see column 2 lines 1-5, "... an integrated pager and wireless radiotelephone ...")

The Smith et al. reference discloses

(see column 4 lines 52-54, "The satellite controllers 15 control the solenoid operated valves 17 and interface with various sensors 21.")

(see column 4 lines 57-59, "The satellite controller 15 can be operated both locally ... and remotely ...")

(see column 5 lines 3-7, "... When operated remotely, the satellite controller 15 can be monitored and controlled from any node in the network ...")

(see column 6 lines 20-25, "... a remote device 25, here a hand held unit ... communications can occur via bus 23 and the remote device 25 via a remote connection 27.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify paging system taught by the Abts reference with the integrated phone and pager taught by the Gaulke et al. reference and the distributed control network taught by the Smith et al. reference to operate controllers in a local mode via a user interface and in a remote mode via a wireless hand held unit.

One of ordinary skill in the art would have been motivated to operate controllers in a local mode via a user interface or in a remote mode via a wireless hand held unit for stability, reliability, and convenience.

As per claim 2, the Abts reference discloses said wireless RUI ("pager 130, cellular or touch-tone phone 150") has the capability of reading the status ("current status") of the irrigation components ("pivots 20") and ancillary

equipment ("other field sensors") and controlling ("control signals") the same from any location (see column 7 lines 45-46, "remote location 140").

As per claim 3, the rejection of claim 1 is incorporated and further claim 3 contains limitations recited in claim 1; therefore claim 3 is rejected under the same rationale as claim 1.

As per claim 4, the rejection of claim 1 is incorporated and further claim 4 contains limitations recited in claim 1; therefore claim 4 is rejected under the same rationale as claim 1.

*Response to Amendment*

4. Applicant's request for continued examination (RCE) is timely; therefore, the finality of the last Office action is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight  
Supervisory Patent Examiner  
Group 3600

cjb  
16 July 2004